

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2002:

Present

Vote

Donald E. Wiggins, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of ____, which carried __, the following ordinance was adopted:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 15,
YORK COUNTY CODE, MOTOR VEHICLES AND TRAFFIC, RELATIVE
TO STOPPING, STANDING AND PARKING OF CERTAIN CLASSIFICA-
TIONS OF VEHICLES

WHEREAS, the York County Board of Supervisors has determined that the parking of large vehicles along residentially oriented streets, other than for temporary periods to allow deliveries, may present safety hazards for other vehicles and for pedestrians, may create noise that disrupts the peace and tranquility of residential areas, and may contribute to premature failure of road surfaces designed to accommodate primarily passenger vehicles; and

WHEREAS, pursuant to Section 46.2-1222 of the Code of Virginia, York County and certain other jurisdictions are authorized, subject to the approval of the Commonwealth Transportation Board, to adopt an ordinance that restricts or prohibits parking on any part of the secondary system of highways within their respective boundaries and which provides for the classification of vehicles for the purpose of these restrictions and prohibitions; and

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this ____ day of ____, 2002, that the following sections of Chapter 15, Motor Vehicles and Traffic, York County Code, be and they are hereby amended as follows:

Sec. 15-43. Uncontested payment of parking citation penalties; certification of contest of citation.

- (a) Every person receiving a citation from a law-enforcement officer that he has violated a provision of this Code regulating parking may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of ten dollars (\$10.00) to the county treasurer's office, within five (5) days after receipt of the citation, or upon voluntarily placing ten dollars (\$10.00) in a reply mail envelope and mailing it to the county treasurer's office, so that it is postmarked within forty-eight (48) hours after receipt of the citation; provided, however, that any citation for a violation of section 15-47.1 with respect to parking in a space reserved for persons with disabilities or for a violation of section 15-48(c) with respect to the parking of certain classes of vehicles in areas zoned for residential use shall require a voluntary payment of fifty dollars (\$50.00) to effectuate the aforesaid waiver.
- (b) All uncontested parking citations paid under this section shall be accounted for by the county treasurer. The contest, by any person, of a parking citation shall be certified, in writing, upon an appropriate form, to the general district court by the county treasurer.
- (c) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

Sec. 15-48. Parking prohibited or restricted in specified places.

(c) *Parking of certain classifications of vehicles in certain designated areas*

- (1) Statement of Intent: The purpose of the following regulations is to define certain classifications of vehicles and to identify those areas where it is necessary to prohibit the parking of such classified vehicles in order to enhance pedestrian and vehicular safety, protect and preserve the public investment in such streets that are designed primarily for residentially-related traffic, and to protect and preserve the character of residential areas.
- (2) Classification of Vehicles: For the purposes of this subsection, the classification of vehicles shall be as follows:
 - a. Commercial Vehicle:

1. Any vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments;
2. Any vehicle, regardless of size, used in the transportation of hazardous materials as defined in section 103 of the federal Hazardous Materials Transportation Act (49 C.F.R. Part 172, Subpart F);
3. Any heavy construction equipment, whether located on the street or on a truck, trailer or semi-trailer;
4. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor/truck combination, dump truck, concrete mixer truck, or towing or recovery vehicle;
5. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold

b. Passenger Carrying Vehicle

1. Any vehicle designed to carry sixteen (16) or more passengers, including the driver.
2. Any vehicle licensed by this Commonwealth for use as a common or contract carrier or as a limousine.

c. Recreational Vehicle

1. A device, whether or not self-propelled, designed or used for transporting persons or property for or in connection with recreation, as distinguished from mere transportation, having a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments, and including such things as motor homes, travel trailers, campers, boats and boat trailers.

(3) Designation of Specific Vehicle Classifications and Areas Subject to Restriction

No person shall park any commercial vehicle, passenger-carrying vehicle, or recreational vehicle (all as defined herein) on any road, highway or street within the state secondary system of highways in any of those areas or subdivisions in the County as described below. In the case of subdivisions, the areas governed by this subsection shall be those areas commonly known by the names listed below and designated on the plats of subdivision recorded in the clerk's office of the circuit court of the county. Such restrictions shall have no application to any privately owned street, or any street owned by a property owners association within the listed areas. In the event a street serves as the dividing line between a residential and commercial zoning district, the

parking restrictions shall apply only on the residentially-zoned side of the street.

- a. Skimino Farms subdivision, all sections.
- b. Greensprings vicinity being further described as the area bounded by Bypass Road on the south, Waller Mill Road on the west, Carrs Hill Road on the north, and Route 132 on the east.
- c. Penniman Road/Government Road/Hubbard Lane vicinity being further described as the area bounded by Government Road and Penniman Road on the south and southwest, the Williamsburg city line on the west and northwest, the Colonial Parkway on the north, and Interstate 64 on the northeast and southeast, including, but not limited to, all sections of the Queenswood, Charleston Heights, Springfield Terrace, Nelson Park, York Terrace, Magruder Woods, Bruton Glen, Penniman East, Penniman Woods, Queens Creek Estates, and Middletown Farms subdivisions.
- d. Carver Gardens
- e. Yorktown, being further described as the area bounded by the York River on the northeast, the United States Coast Guard Reserve Training Center on the east, Route 238 and the Colonial Parkway on the southwest, and Yorktown Creek on the west.
- f. York Crossing.
- g. Glen Laurel
- h. Yorkshire Park
- i. Heritage Hamlet
- j. Plantation Acres
- k. Bethany Terrace

(4) Procedures for Consideration and Establishment of Classifications and Area Designations:

As directed by the Commonwealth Transportation Board, in accordance with Section 46.2-1222 of the Code of Virginia, the provisions of subsection (c) of this section shall have been initially established and may be amended only in accordance with the following procedures:

- a. At a regularly scheduled meeting of the Board of Supervisors (all of

which are broadcast on the County's government access channel) the Board will announce its intention to consider the adoption of an ordinance defining certain classifications of vehicles and regulating and restricting the parking of such vehicles along certain streets in the County. The Board's announcement will include an invitation for citizens to suggest residential streets and/or residential subdivisions to be included in such proposed restrictions.

- b. Subsequent to the public announcement of its intention to consider such an ordinance, the Board will direct the County Administrator to prepare a recommendation concerning the classification of vehicles and a listing of streets proposed as candidates for establishment of parking restrictions. The proposed ordinance shall be presented to the Board for preliminary review and such adjustments as the Board deems appropriate.
- c. The determination of streets and areas to be subject to such parking restrictions shall be based on characteristics including, but not necessarily limited to:
 - 1. location within a residential zoning classification. If the centerline of the subject street is a zoning district boundary line, the parking restriction shall apply only on the residentially -zoned side;
 - 2. density of development, with primary focus on residential subdivisions with a typical lot size of acre or less;
 - 3. predominant lot width and street frontage characteristics, with primary focus on subdivision settings where typical lot widths are 150 feet or less;
 - 4. location-specific safety issues including, but not limited to, considerations of traffic volumes, street surface width, sight distance, and use characteristics;
 - 5. documentation or determination of inappropriate parking of classified vehicles or the potential for such parking to occur.
- d. Subsequent to this preliminary review and consideration, the Board will determine whether the ordinance should be formally considered and, if so, it shall be advertised for public hearing by the Board in accordance with the advertisement and public notice requirements for County Code amendments, as set forth in the Code of Virginia. In addition to the standard legal advertisements, the Board's intention to consider such restrictions will be advertised on the County's government access cable channel and through such other media opportunities as the Board and County Administrator determine appropriate.
- e. Concurrently with the advertisement of the proposed ordinance for public

hearing, the Board will transmit a copy of the proposal to the Virginia Department of Transportation Resident Engineer. The County staff will coordinate with the Resident Engineer to ensure communication of any VDOT concerns or considerations to the Board for its review. Among other considerations, the Resident Engineer will be asked to review the potential for such restrictions to shift commercial vehicle parking to Primary routes or to other portions of Secondary routes where more serious traffic safety problems might be created.

f. At the prescribed date and time, the Board will conduct the advertised public hearing and consider the comments received and other considerations and factors the Board deemed appropriate. The Board will then, at that or a subsequent meeting, adopt, adopt with amendment, or reject the proposed ordinance.

g. Any ordinance adopted by the Board shall be subject to approval by the Commonwealth Transportation Board and it shall not become effective until such approval is given. Subsequent to the initial adoption and approval of such an ordinance pertaining to classification of vehicles and designation of restricted areas, the Board may consider and adopt amendments to add or delete classifications, streets or areas in accordance with the procedures set out above and subject to approval by the Commonwealth Transportation Board.

h. Subsequent to approval of the ordinance by the Commonwealth Transportation Board, the County shall be responsible for the fabrication and posting of all such signs as are necessary to inform the public of the restrictions that apply to the subject streets. The County shall be responsible for the initial installation and subsequent maintenance of such signs and the prompt repair, removal and / or replacement of any signs that are damaged or destroyed.

~~(d)~~ *Application.* The prohibitions and restrictions set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic control device, or during a permitted period of time in officially-designated parking areas, or in case of vehicular breakdown, or in an emergency which renders it necessary. Moreover, the prohibitions and restrictions contained in subsection (c) of this section shall have no application to any vehicle while such vehicle is in actual use for loading or unloading or while actually engaged in the provision of goods or services.

~~(e)~~ *Posting of signs.* The county administrator shall cause "No Parking" and "1-Hour Parking" signs to be posted in the subject areas. Such signs shall comply with all applicable standards and specifications as set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and the specifications that the County intends to use shall be coordinated with and approved by the Resident Engineer prior to fabrication. The County shall secure such permits as may be necessary for its personnel to work within and install the signs in VDOT rights-of-way.

- (fe) *Application of sections 15-43 through 15-45.* The provisions of sections 15-43, 15-44 and 15-45 of this Code shall apply in the enforcement of this section.
- (gf) *Penalty for violation.* Any person who violates any provision of this section shall be guilty of a ~~misdemeanor~~ traffic infraction and punished as provided in section 15-2 of this Code.